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STATE SCIENCE CENTER

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: A. Lamont Tyler

This act modifies the Community and Economic Development Code to reduce the size of the Utah Science Center Authority's board and clarify the scope of its science center. This act repeals the Utah Science Center Authority's power to issue bonds. This act appropriates \$500,000, nonlapsing, from the General Fund for fiscal year 2001-02 only, to the Utah Science Center Authority for the development of a state science center, partially conditioned on matching funds. This act takes effect on July 1, 2001.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

9-3-402, as enacted by Chapter 309, Laws of Utah 1993

9-3-403, as last amended by Chapters 194, 242 and 243, Laws of Utah 1996

9-3-407, as enacted by Chapter 309, Laws of Utah 1993

REPEALS:

9-3-408, as enacted by Chapter 309, Laws of Utah 1993

This act enacts uncodified material.

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **9-3-402** is amended to read:

9-3-402. Legislative findings -- State purpose.

(1) The Legislature finds and declares that:

(a) a Utah Science Center Authority can promote science, Utah's effort in high technology, engineering, the arts, culture, Utah's unique origins, and can enhance tourism and provide a valuable educational forum, and other benefits for Utah's citizens;

(b) fostering the development of science, arts, tourism, culture, and educational facilities is a state purpose affecting the welfare of all state citizens and the growth of the economy

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28 statewide.

29 (2) It is therefore the purpose of this part that the state provide a means to foster the
30 development of science, technology, engineering, arts, tourism, cultural, and educational facilities
31 in order to further the welfare of the citizens of the state and its economic growth.

32 Section 2. Section **9-3-403** is amended to read:

33 **9-3-403. Creation -- Members -- Chair -- Powers -- Quorum -- Per diem and**
34 **expenses.**

35 (1) There is created an independent state agency and a body politic and corporate known
36 as the "Utah Science Center Authority."

37 (2) (a) The authority shall be composed of [~~17~~] 13 members.

38 (b) The governor shall appoint:

39 (i) three members representing the informal science and arts community that could include
40 members from the board of directors of the Hansen Planetarium, the Hogel Zoo, the Children's
41 Museum of Utah, the Utah Museum of Natural History, and other related museums, centers, and
42 agencies;

43 (ii) one member of the State Board of Education;

44 (iii) one member of the Division of Community Development of the Department of
45 Community and Economic Development;

46 (iv) one member of the Board of Travel Development;

47 (v) one member of the State Board of Regents; and

48 (vi) [~~six~~] three public members representing Utah industry, [~~rural Utah~~] the diverse regions
49 of the state, and the public at large.

50 (c) The county legislative body of Salt Lake County shall appoint one member to represent
51 Salt Lake County.

52 (d) The mayor of Salt Lake City shall appoint one member to represent Salt Lake City
53 Corporation.

54 (e) The [~~executive director of the Utah Arts Council or his designee and the~~] State Science
55 Advisor or his designee [~~are~~] is also [~~members~~] a member of the authority.

56 (f) In appointing the [~~six~~] three public members, the governor shall ensure that there is
57 representation from the [~~arts,~~] science, technology, and business communities.

58 (3) All members shall be residents of Utah.

(4) Each member shall be appointed for four-year terms beginning July 1 of the year appointed.

(5) (a) Except as required by Subsection (5)(b), as terms of current authority members expire, the governor shall appoint each new member or reappointed member to a four-year term.

(b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of authority members are staggered so that approximately half of the authority is appointed every two years.

(6) Any member may be removed from office by the governor or for cause by an affirmative vote of any ~~eleven~~ nine members of the authority.

(7) When a vacancy occurs in the membership for any reason, the replacement shall be appointed by the governor for the unexpired term.

(8) Each public member shall hold office for the term of his appointment and until his successor has been appointed and qualified.

(9) Any public member is eligible for reappointment, but may not serve more than two full consecutive terms.

(10) The governor shall appoint the chair of the authority from among its members.

(11) The members shall elect from among their number a vice chair and other officers they may determine.

(12) The chair and vice chair shall be elected for two-year terms.

(13) The powers of the authority shall be vested in its members.

(14) ~~Nine~~ Seven members constitute a quorum for transaction of authority business.

(15) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Members may decline to receive per diem and expenses for their service.

(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the authority at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) State government officer and employee members may decline to receive per diem and

90 expenses for their service.

91 (c) (i) Local government members who do not receive salary, per diem, or expenses from
92 the entity that they represent for their service may receive per diem and expenses incurred in the
93 performance of their official duties at the rates established by the Division of Finance under
94 Sections 63A-3-106 and 63A-3-107.

95 (ii) Local government members may decline to receive per diem and expenses for their
96 service.

97 (d) (i) Higher education members who do not receive salary, per diem, or expenses from
98 the entity that they represent for their service may receive per diem and expenses incurred in the
99 performance of their official duties from the committee at the rates established by the Division of
100 Finance under Sections 63A-3-106 and 63A-3-107.

101 (ii) Higher education members may decline to receive per diem and expenses for their
102 service.

103 Section 3. Section **9-3-407** is amended to read:

104 **9-3-407. Authority -- Powers.**

105 (1) (a) The authority shall create, operate, and maintain a center that shall promote the
106 purposes described in Section 9-3-402.

107 (b) The center shall:

108 (i) have an extensive outreach program that serves all regions of the state; and

109 (ii) collaborate and coordinate with education, arts, technology, and engineering entities,
110 including schools and industries.

111 (2) The authority has perpetual succession as a body politic and corporate and may:

112 (a) adopt, amend, and repeal rules, policies, and procedures for the regulation of its affairs
113 and the conduct of its business;

114 (b) sue and be sued in its own name;

115 (c) maintain an office at any place or places within this state it may designate;

116 (d) adopt, amend, and repeal bylaws and rules, not inconsistent with this part, to carry into
117 effect the powers and purposes of the authority and the conduct of its business;

118 (e) purchase, lease, sell, and otherwise dispose of property and rights-of-way;

119 (f) employ experts, advisory groups, and other professionals it considers necessary;

120 (g) employ and retain independent legal counsel;

(h) make and execute contracts and all other instruments necessary or convenient for the performance of its duties and the exercise of its duties under this part to create, operate, and maintain a Science Center in Utah;

(i) procure insurance for liability and against any loss in connection with its property and other assets in amounts and from insurers it considers desirable;

(j) borrow money, receive appropriation from the Legislature, and receive other public moneys and accept aid or contributions from any source of money, property, labor, or other things of value to be held, used, and applied to carry out the purposes of this part subject to the conditions upon which the grants and contributions are made, including, but not limited to, gifts or grants from any department, agency, or instrumentality of the United States or of this state for any purpose consistent with this part;

(k) enter into agreements with any department, agency, or instrumentality or political subdivision of the United States or this state for the purpose of providing for the creation, operation, and maintenance of a Science Center in Utah; and

(l) to do any act necessary or convenient to the exercise of the powers granted by this part.

(3) All monies received by the authority under Subsection (2)(j) and from any other source shall be for the exclusive use of the authority to create, operate, maintain, improve, and provide for a Science Center in Utah. The monies received by the authority may not be used for any other purpose or by any other entity.

Section 4. **Repealer.**

This act repeals:

Section **9-3-408, Bond issues -- Authority members and persons executing bonds not personally liable -- Bonds and obligations not general obligation or debt -- Negotiability.**

Section 5. **Appropriation.**

(1) For fiscal year 2001-02 only, there is appropriated from the General Fund to the Utah Science Center Authority \$500,000.

(2) It is the intent of the Legislature that:

(a) the Utah Science Center Authority shall create a science center, including pursuing the Salt Lake City Library site; and

(b) the appropriation under Subsection (1) shall be used to develop a state science center.

(3) The appropriation under Subsection (1) is nonlapsing.

152 (4) Except for the initial \$250,000, the appropriation under Subsection (1) is conditioned
153 upon matching funds from the Utah Science Center Authority of \$10 for every \$1 of the amount
154 of the appropriation received under this Subsection (4).

155 Section 6. **Effective date.**

156 This act takes effect on July 1, 2001.

Legislative Review Note
as of 1-4-01 2:40 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel